

## Message Text

CONFIDENTIAL

PAGE 01 BONN 08550 01 OF 02 181555Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 IO-13 ACDA-07 OES-07 DLOS-09 TRSE-00 /094 W  
-----181638Z 063862 /50

R 181543Z MAY 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8353  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION EC BRUSSELS  
USMISSION NATO  
USMISSION USBERLIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 08550

E.O. 11652: GDS  
TAGS: PFOR PGOV EEC FR GE GW UR US UK WB  
SUBJECT: EC/SOVIET FISHERIES NEGOTIATIONS: BERLIN AND  
THE TERRITORIAL CLAUSE

REFS: (A) LONDON 7564; (B) SECTO 4014; (C) BONN 5344;  
(D) BONN 5120

BEGIN SUMMARY. FCO LONDON APPARENTLY EXPECTS USSR TO  
PUSH FOR EARLY RESUMPTION OF EC/SOVIET FISHERIES  
NEGOTIATIONS. SOVIETS HAVE REPORTEDLY INDICATED A  
WILLINGNESS TO ACCEPT "AREA OF APPLICABILITY" CLAUSE  
TAKEN FROM THE EEC/TURKEY AGREEMENT, WHICH DOES NOT  
INCLUDE BERLIN. ON MAY 16, UK REP TO BONN GROUP  
PROPOSED NEW LANGUAGE FOR "AREA OF APPLICABILITY CLAUSE"  
WHICH, LONDON BELIEVES, WOULD SERVE DUAL FUNCTION OF  
BEING MORE ACCEPTABLE TO SOVIETS YET PROTECT WESTERN  
POSITION ON APPLICATION TO BERLIN. FRG REP SAID THAT  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 08550 01 OF 02 181555Z

DISCUSSIONS ON THE QUESTION OF FISHERIES AGREEMENT  
ARE PRESENTLY GOING ON IN FFRRG FONOFF AND THAT UK  
PROPOSAL WOULD BE CONSIDERED. FRG REP'S PERSONAL  
REACTION TO PROPOSAL WAS LUKEWARM AT BEST. END SUMMARY.

1. AT MAY 16 BONN GROUP MEETING, UK REP (EYERS) SAID  
THAT LONDON BELIEVES THE SOVIETS WILL WISH TO BEGIN

THE NEXT ROUND OF EC/SOVIET FISHERIES NEGOTIATIONS IN THE SECOND HALF OF MAY. APPARENTLY SPEAKING FROM INSTRUCTIONS, HE SAID THAT IMMEDIATE ATTENTION SHOULD BE GIVEN TO THE "AREA OF APPLICABILITY" CLAUSE. HE RECALLED THAT THE SOVIETS HAVE PROPOSED THAT THE CLAUSE SHOULD BE DELETED AS NOT RELEVANT AND NOTED THAT THE NORWEGIANS HAVE ALSO RAISED OBJECTIONS TO IT, ALTHOUGH ON GROUNDS HAVING NOTHING TO DO WITH BERLIN. HE SAID THAT THE UK UNDERSTOOD THAT POLAND, THE GDR AND THE USSR HAVE ADOPTED A JOINT POSITION, SAYING THAT THE CLAUSE SHOULD PREFERABLY BE LEFT OUT ALTOGETHER BUT, AS A COMPROMISE, WOULD ACCEPT THE CLAUSE (AMENDED TO INCLUDE ALL EC COUNTRIES) INCLUDED IN THE EC/TURKISH AGREEMENT (SET OUT BELOW). THE PROBLEM WITH THIS CLAUSE, SAID EYERS, IS THAT THIS CLAUSE DOES NOT INCLUDE BERLIN SINCE BERLIN IS NOT A "TERRITORY" OF THE FRG. SINCE THE UK IS NOT PREPARED TO SEE BERLIN EXCLUDED, BUT NONETHELESS WANTS TO REACH AGREEMENT WITH THE USSR WHILE PRESERVING THE WESTERN POSITION, THE UK WISHES TO PROPOSE ALTERNATE WORDING WHICH MIGHT BE MORE ACCEPTABLE TO THE USSR. EYERS SAID THAT WHILE THERE MAY BE ENOUGH OF SUBSTANCE IN THE PROPOSED FISHERIES AGREEMENT TO INDUCE THE USSR TO ACCEPT THE ORIGINAL LANGUAGE, THE MORE PALATABLE THE CLAUSE IS TO THE USSR, THE LESS THE EC COUNTRIES WILL HAVE TO CONCEDE ON OTHER POINTS TO ENSURE ITS ACCEPTANCE.

2. THE PRESENTLY PROPOSED APPLICABILITY CLAUSE, AS WELL AS THOSE IN THE EEC-TURKEY AGREEMENT AND THE UK SUGGESTED REDRAFT ARE AS FOLLOWS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 08550 01 OF 02 181555Z

A. PRESENT APPLICABILITY ARTICLE (10)

THE PRESENT AGREEMENT SHALL APPLY TO THE TERRITORIES WITHIN WHICH THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY IS APPLIED AND UNDER THE CONDITIONS LAID DOWN IN THAT TREATY, ON THE ONE HAND, AND TO THE TERRITORY OF THE UNION OF THE SOVIET SOCIALIST REPUBLICS, ON THE OTHER HAND.

B. ARTICLE 29(1) OF EEC-TURKEY ASSOCIATION AGREEMENT

THIS AGREEMENT SHALL APPLY TO THE EUROPEAN TERRITORIES OF THE KINGDOM OF BELGIUM, OF THE FEDERAL REPUBLIC OF GERMANY, OF THE FRENCH REPUBLIC, OF THE ITALIAN REPUBLIC, OF THE GRAND DUCHY OF LUXEMBOURG AND OF THE KINGDOM OF THE NETHERLANDS ON THE ONE HAND AND TO THE TERRITORY OF THE TURKISH REPUBLIC ON THE OTHER.

C. POSSIBLE REDRAFT OF ARTICLE 10

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 08550 02 OF 02 181552Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 IO-13 ACDA-07 OES-07 DLOS-09 TRSE-00 /094 W  
-----181637Z 063815 /50

R 181543Z MAY 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8354  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION EC BRUSSELS  
USMISSION NATO  
USMISSION USBERLIN

C O N F I D E N T I A L SECTION 02 OF 02 BONN 08550

THE PARTIES TO THIS AGREEMENT ARE, ON THE ONE HAND,  
THE EEC, WHICH COMPRISES THE TERRITORIES TO WHICH THE  
TREATY ESTABLISHING THE COMMUNITY IS APPLIED UNDER THE  
CONDITIONS LAID DOWN IN THAT TREATY, AND ON THE OTHER  
HAND, THE USSR.

3. THE FRG REP (HENZE) RECALLED FOREIGN MINISTER  
GENSCHER'S STATEMENT OF MAY 7, 1977, MADE AT THE LONDON  
SENIOR LEVEL MEETING (REF A) AND SAID THAT WHILE THE  
FRG DOES NOT OBJECT TO A REWORDING OF THE TERRITORIAL  
CLAUSE, IT CANNOT ACCEPT A CHANGE IN SUBSTANCE. THE FRG  
CANNOT ACCEPT THE TURKISH CLAUSE AND GENSCHER'S CURRENT  
POSITION IS THAT THE SOVIETS SHOULD NOT BE OFFERED A  
NEW FORMULA PRIOR TO THE NEXT ROUND OF NEGOTIATIONS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 08550 02 OF 02 181552Z

4. EYERS SAID THAT HE WAS NOT PROPOSING GIVING THE USSR A NEW CLAUSE PRIOR TO THE NEXT ROUND BUT WOULD LIKE FOR THE EC NEGOTIATORS TO HAVE AN ALTERNATIVE CLAUSE AVAILABLE FOR USE DURING THE NEGOTIATIONS.

5. HENZE SAID THAT DISCUSSIONS ON THIS MATTER ARE NOW GOING ON IN THE FOREIGN OFFICE AND THAT HE WAS UNABLE AT THIS TIME TO ADD ANYTHING FURTHER. HOWEVER, HE SAID THAT HE IMMEDIATELY FORESAW AT LEAST TWO OBJECTIONS TO THE UK DRAFT PROPOSAL. THE FIRST OBJECTION IS A TACTICAL ONE -- PROVIDING THE EC NEGOTIATORS WITH A FALLBACK POSITION MIGHT LEAD THEM TO FALL BACK IMMEDIATELY. THE SECOND OBJECTION, WHICH HE DID NOT ELABORATE, IS A FEELING THAT THE UK PROPOSAL MIGHT BE WEAKER THAN THE ORIGINAL PROPOSAL.

6. EYERS CONCLUDED THE DISCUSSION BY EMPHASIZING AGAIN THE URGENCY WITH WHICH THE UK VIEWS THE MATTER.  
STOESSEL

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, TREATY COMPLIANCE, BERLIN QUADRIPARTITE MATTERS, FISHING LIMITS, FISHING AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 18-May-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977BONN08550  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770177-0060  
**Format:** TEL  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770546/aaaabndk.tel  
**Line Count:** 194  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** f80a6e91-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 LONDON 7564, 77 SECTO 4014, 77 BONN 5344, 77 BONN 5120  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 01-Dec-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2477070  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EC/SOVIET FISHERIES NEGOTIATIONS: BERLIN AND THE TERRITORIAL CLAUSE  
**TAGS:** PFOR, PGOV, FR, GC, GE, UR, US, UK, WB, EEC  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/f80a6e91-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009